

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3252 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Mike Osburn

Adopted: _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3252

By: Osburn and Bashore

7
8 PROPOSED COMMITTEE SUBSTITUTE

9 An Act relating to state government; amending 74 O.S.
10 2021, Sections 5003.2, 5003.3, 5003.4, 5003.7, 5003.8
11 and 5003.10, which relate to the Oklahoma Department
12 of Commerce; modifying statement of needs; modifying
13 mission statement; modifying provisions related to
14 certain five-year plan; modifying provisions related
15 to annual report; modifying provisions related to
16 authority of agency; amending 15 O.S. 2021, Section
17 681, which relates to definitions; amending 62 O.S.
18 2021, Sections 2401 and 2403, which relate to certain
19 investment program; amending 63 O.S. 2021, Section
20 2902 and 2903, which relate to public safety;
21 amending 68 O.S. 2021, Section 2358.110, which
22 relates to certain income tax deduction; amending 74
23 O.S. 2021, Section 5017.1, which relates to energy
24 conservation program; amending 74 O.S. 2021, Section
5017.7, which relates to the International Protocol
Office; amending 74 O.S. 2021, Section 5028 and 5029
which relate to county jails; amending 74 O.S. 2021,
Section 5030, which relates to a weatherization
program; amending 74 O.S. 2021, Section 5040.4, which
relates to medically indigent persons; eliminating
references to the Oklahoma Department of Commerce;
creating references to various state governmental
entities; providing an effective date; and declaring
an emergency.

1 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

2 SECTION 1. AMENDATORY 74 O.S. 2021, Section 5003.2, is
3 amended to read as follows:

4 Section 5003.2 A. Recognizing the geographic diversity of this
5 state, Oklahoma needs ~~one central, primary public sector economic~~
6 ~~development agency for the state in order to manage or coordinate~~
7 ~~all public sector economic development activity~~ a focus on long-term
8 development of local communities to increase competitiveness and
9 enhance economic opportunities.

10 Oklahoma needs an agency to work at the community ~~and firm~~ level
11 to:

12 1. Create new and higher quality jobs for the people of this
13 state through the ~~expansion, creation, restructuring and recruitment~~
14 ~~of export-oriented Oklahoma firms which produce value-added goods,~~
15 ~~services and processes~~ long-term development of local communities;

16 2. Encourage statewide economic diversification and stability;

17 3. Maintain a two-way flow of information between the ~~central~~
18 state economic development agency and ~~firms, farms and~~ communities
19 through regional organization and representation;

20 4. Implement the strategic economic development five-year plan
21 developed by the state economic development entity; and

22 5. Carry out policy development and research in support of
23 ~~Oklahoma Futures~~ the long-term competitiveness of Oklahoma;

24

1 6. Provide technical assistance to local communities in
2 securing federal funding, incentive availability, and community
3 development;

4 7. Provide assistance and funding in development of potential
5 sites for economic development;

6 8. Coordinate with other state agencies deploying federal and
7 state funds for infrastructure development including, but not
8 limited to, the Oklahoma Department of Transportation, the Oklahoma
9 Water Resources Board, and the Oklahoma Broadband Office; and

10 9. Assist in compliance with the laws and regulations of
11 economic incentives and economic development initiatives.

12 B. The Oklahoma Department of Commerce is hereby constituted an
13 agency of state government.

14 C. Whenever the terms "Department of Economic Development" or
15 "Department of Economic and Community Affairs" appear in the
16 Oklahoma Statutes they shall mean and refer to the Oklahoma
17 Department of Commerce.

18 SECTION 2. AMENDATORY 74 O.S. 2021, Section 5003.3, is
19 amended to read as follows:

20 Section 5003.3 The mission of the Oklahoma Department of
21 Commerce shall be to support ~~firms', farms' and local communities'~~
22 ~~growth, diversification, expansion and ability to compete in export~~
23 ~~markets in order to create new and better jobs for Oklahomans~~

1 ~~throughout the state~~ community development and allow communities to
2 compete effectively in economic development opportunities.

3 SECTION 3. AMENDATORY 74 O.S. 2021, Section 5003.4, is
4 amended to read as follows:

5 Section 5003.4 As used in the Oklahoma Department of Commerce
6 Act:

7 1. "Department" means the Oklahoma Department of Commerce;

8 2. "Director" means the ~~director~~ Director of the Department of
9 Commerce;

10 3. "Enterprise" means a ~~firm~~ business with its principal place
11 of ~~business~~ operations in Oklahoma;

12 4. "Economic Information System" means a comprehensive
13 statewide data collection, analysis and distribution system which
14 makes available current and thorough information on Oklahoma
15 economic trends and future Oklahoma economic opportunities to
16 communities, ~~firms, farms and individuals in the state; firms and~~
17 ~~individuals outside the state considering location in Oklahoma; and~~
18 ~~Oklahoma Futures,~~ the Governor, the Legislature and all other state
19 agencies and institutions; and

20 5. "Economic Innovation System" means a decentralized statewide
21 system that responsively and innovatively coordinates technical
22 assistance, grant and loan programs with local, state, federal and
23 private sector activities into a single statewide Economic
24 Innovation System.

1 SECTION 4. AMENDATORY 74 O.S. 2021, Section 5003.7, is
2 amended to read as follows:

3 Section 5003.7 A. The Oklahoma Department of Commerce shall
4 prepare, with the cooperation of the Oklahoma business community,
5 agricultural community, financial community, universities, labor and
6 the state executive and legislative branches, a five-year ~~economic~~
7 ~~development~~ infrastructure and community development plan and annual
8 updates for the State of Oklahoma.

9 1. The purpose of the plan shall be to identify significant
10 economic, social, and demographic trends and development
11 opportunities which may have both short-term and long-term impacts
12 on the state and local economy and to present strategies and
13 recommendations that the state and local political subdivisions
14 might adopt to improve or stabilize the economy.

15 2. The goals of the plan shall include the development of a
16 diversified state economy, increasing employment, the maximum use of
17 federal, state and local funds ~~to achieve the goals or~~
18 ~~recommendations included in the plan,~~ the maximum investment of
19 capital in the economy of the state, and the improvement of the
20 quality of life in the state.

21 3. The plan wherever possible shall make recommendations for
22 infrastructure investment to encourage intergovernmental cooperation
23 and public and private cooperation.

24

1 4. Copies of the plan and the annual updates shall be submitted
2 to the ~~Oklahoma Advisory Committee on Intergovernmental Relations~~
3 state economic development entity, the Governor, the Speaker of the
4 House of Representatives, the President Pro Tempore of the Senate
5 ~~and the chairmen of the standing committees on economic development~~
6 ~~of the Senate and of the House of Representatives~~ on the first day
7 of each legislative session.

8 5. The Department shall develop and manage a complete economic
9 information system which will support the five-year planning
10 process, and which will make available complete and timely
11 information on the state economy. The economic information system
12 ~~shall~~ may be operated by public or private Oklahoma universities or
13 an Oklahoma enterprise capable of providing such services in a cost-
14 effective manner.

15 6. The Department shall convene a working group of Oklahoma
16 state agencies who invest state and federal funds to develop
17 infrastructure to better coordinate and maximize deployment of
18 funds. Agencies included in the working group shall include, but
19 not be limited to, the Oklahoma Department of Transportation, the
20 Oklahoma Water Resources Board, and the Oklahoma Broadband Office.

21 7. The Department shall provide technical assistance to local
22 communities seeking to pursue federal funding opportunities.
23 Technical assistance may include identification of federal funding
24

1 opportunities, grant writing support, data collection, and
2 identifying funds to meet matching funds requirements.

3 B. The Department, in conjunction with the Oklahoma Development
4 Finance Authority, is authorized to develop an infrastructure
5 program which will enable political subdivisions of this state to
6 finance public works projects in order to modify or improve existing
7 public facilities for purposes of bringing said facilities, and the
8 operation thereof, into compliance with and maintaining compliance
9 with federal, state and local laws and regulations pertaining to the
10 protection of the public health and the environment.

11 C. The Director shall develop an annual business plan for the
12 Department. The business plan shall include the need and mission of
13 each division of the Department created by law or the Director and
14 an analysis of past costs and benefits and future projected costs
15 and benefits to the state of the programs of each division of the
16 Department. ~~The business plan shall be consistent with the goals of~~
17 ~~the recurring five-year plan specified in this section. The~~
18 ~~Director shall distribute copies of the business plan by such means~~
19 ~~that will make it widely available to communities, firms and local~~
20 ~~economic development managers throughout this state.~~

21 SECTION 5. AMENDATORY 74 O.S. 2021, Section 5003.8, is
22 amended to read as follows:

23 Section 5003.8 In order to ensure that the Oklahoma Department
24 of Commerce is effectively implementing its mission, purpose and

1 objectives, the Department shall publish an annual report setting
2 forth in detail the operations and programs conducted by it pursuant
3 to this act or to other legislation. The report shall review both
4 statewide progress and departmental progress according to several
5 measures including objective measures listed in the Department's
6 five-year plan. The Department shall present this report to the
7 Governor and the Legislature. The annual report shall specifically
8 account for ways in which the needs, mission and programs of the
9 Department described in this act have been carried out and
10 recommendations shall specifically note what changes in the
11 activities of the Department and the programs it administers and of
12 state government are necessary to better address the mission
13 described in this act. ~~The Department shall distribute its annual
14 report by such means that will make it widely available to
15 communities, firms and local economic development managers
16 throughout this state.~~

17 SECTION 6. AMENDATORY 74 O.S. 2021, Section 5003.10, is
18 amended to read as follows:

19 Section 5003.10 The Oklahoma Department of Commerce shall have
20 the authority to:

- 21 1. ~~Disseminate~~ Maintain information concerning the industrial,
22 commercial, governmental, educational, cultural, agricultural,
23 business and other advantages and attractions of the state;

24

1 2. Assist public and private agencies in the preparation of
2 ~~informational and publicity programs designed to attract or retain~~
3 ~~business and industry for the state~~ plans for the development of
4 local communities;

5 3. Obligate and expend funds for services performed by local
6 political subdivisions of the state, state agencies, including
7 universities and colleges within and without the state, and federal
8 agencies for research and training in conformity with the general
9 state laws governing such activity; and apply for, accept,
10 administer and expend grants from the federal government and any
11 other public or private sources for research and training purposes;

12 4. Conduct, publish and disseminate or encourage research
13 designed to further new and more extensive uses of the natural and
14 other resources of the state and designed to develop and
15 commercialize new products and commercial processes;

16 5. Study trends and developments in the industries of the state
17 and analyze the reasons underlying such trends; study costs within
18 the state; and make recommendations regarding circumstances
19 promoting or hampering business and industrial development;

20 6. Generally gather, compile and make available economic
21 analyses and statistical information relating to business, trade,
22 commerce, industry, transportation, communication, natural
23 resources, population and other like subjects in this state, with
24 authority to call upon other agencies, universities and colleges of

1 the state for statistical data and results obtained by them, and to
2 arrange and compile such economic analyses and statistical
3 information in such a manner as it deems advisable;

4 7. Study such other scientific, industrial, financial and
5 economic issues as, in the judgment of the Department, shall be
6 deemed of value to the people of the state;

7 8. Support and assist the efforts of state, regional and local
8 development organizations, industrial committees, chambers of
9 commerce, agricultural organizations, labor organizations and other
10 similar public and private agencies to obtain new and to foster
11 expansion of existing service, industrial and manufacturing
12 facilities, businesses and enterprises; and to foster community
13 improvements in leadership, expertise, human development,
14 infrastructure, public facilities and quality of life; and to expand
15 data availability and utilization opportunities;

16 9. Maintain a continuing evaluation of the sources available
17 for the financing of the development or expansion of industrial,
18 agricultural and commercial facilities in this state through both
19 public and private agencies;

20 10. Assist in obtaining financing for the development and
21 expansion of industrial, agricultural and commercial facilities in
22 the state;

23 11. ~~Serve as the state's official liaison agency between~~
24 ~~persons interested in locating new economic enterprises in Oklahoma~~

1 ~~and state and local groups seeking new enterprises. In this~~
2 ~~respect, the Department shall aid communities in organizing for and~~
3 ~~obtaining new businesses and expanding existing businesses and shall~~
4 ~~process requests which reflect interest in locating economic~~
5 ~~enterprises in the state~~ resource for local communities by providing
6 technical assistance for funding opportunities and community
7 development;

8 12. ~~Promote the sale and facilitate the marketing of Oklahoma~~
9 ~~products including agricultural and value-added products in the~~
10 ~~international market;~~

11 13. ~~Encourage the location of foreign manufacturing plants and~~
12 ~~other industries in Oklahoma;~~

13 14. ~~Coordinate the international efforts of the various state~~
14 ~~agencies without violating the individual authority given those~~
15 ~~agencies by statute;~~

16 15. ~~Coordinate and serve as liaison to the private sector as~~
17 ~~needed;~~

18 16. Establish, subject to an annual appropriation or private
19 gifts, offices outside the state boundaries. The offices may be
20 operated by the state or may be operated pursuant to contract which
21 shall not be subject to the competitive bid laws of the State of
22 Oklahoma. The Department shall prepare an annual report concerning
23 the activities of the offices and submit it to the Governor and the
24 Legislature. The Director of the Oklahoma Department of Commerce

1 shall notify in writing the Governor, the President Pro Tempore of
2 the Senate and the Speaker of the House of Representatives that the
3 Department intends to establish a new office pursuant to this
4 paragraph at least thirty (30) days prior to the establishment of
5 the new office or execution of a contract;

6 ~~17.~~ 13. Establish a system of not less than six geographic
7 regions for providing technical assistance and support to local
8 communities in promoting new or existing businesses, assisting in
9 the expansion of small and medium sized manufacturers through a
10 modernization program, creating new jobs, and assisting local
11 businesses, political subdivisions or other entities to better
12 utilize the services of the Department;

13 ~~18.~~ 14. Solicit, accept and expend donations and contributions
14 from any source, whether public or private, in order to advertise,
15 promote or disseminate information which may assist in the
16 ~~recruitment of companies, firms or jobs to~~ development of
17 communities in Oklahoma, including but not limited to the Oklahoma
18 Quality Jobs Program Act, and any other acts which the Department
19 administers or which may assist the Department in the performance of
20 its mission. The Department shall deposit any funds collected
21 pursuant to this paragraph in the "Oklahoma Department of Commerce
22 Revolving Fund" created by Section 5012 of this title; and

23 ~~19.~~ 15. Enter into contracts at fair market value for the
24 rental of office space in any facility under its control to entities

1 engaged in activities related to the ~~export of goods produced in~~
2 development of Oklahoma. The Department shall deposit any funds
3 collected pursuant to this paragraph in the "Oklahoma Department of
4 Commerce Revolving Fund" created by Section 5012 of this title.

5 SECTION 7. AMENDATORY 15 O.S. 2021, Section 681, is
6 amended to read as follows:

7 Section 681. As used in the Invention Development Services Act:

8 1. "Contract for invention development services" includes a
9 contract by which an invention developer undertakes to develop or
10 promote an invention for a customer;

11 2. "Customer" means any natural person who is solicited by,
12 inquires about, seeks the services of or enters into a contract with
13 an invention developer for invention development services;

14 3. "Invention" includes a process, design, asexually reproduced
15 plant, machine, manufacture, composition of matter, improvement upon
16 the foregoing, or a concept;

17 4. "Invention developer" means any person, firm, corporation or
18 association and the agents, employees or representatives of the
19 person, firm, corporation or association which develops or promotes
20 or offers to develop or promote an invention of a customer in order
21 that the invention of the customer may be patented, licensed or sold
22 for manufacture or manufactured in large quantities. The term
23 "invention developer" does not include:

24

- 1 a. a partnership or corporation when all of its partners,
2 stockholders or members are licensed by a state or the
3 United States to render legal advice concerning
4 patents and trademarks, or a person so licensed,
- 5 b. a department or agency of the federal, state or local
6 government, including the inventor's assistance
7 program ~~established~~ administered by the Oklahoma
8 ~~Department of Commerce~~ Center for the Advancement of
9 Science and Technology,
- 10 c. a charitable, scientific, education, religious or
11 other organization registered pursuant to state law,
- 12 d. a person, firm, corporation, association or other
13 entity that does not charge a fee for invention
14 development services, or
- 15 e. any person, firm, corporation, association or other
16 entity whose gross receipts from contracts for
17 invention development services do not exceed ten
18 percent (10%) of its gross receipts from all sources
19 during the fiscal year preceding the year in which any
20 contract for invention development services is signed.

21 For the purposes of this paragraph, "fee" shall include any
22 payment made by the customer to the entity, including reimbursements
23 for expenditures made or costs incurred by such entity, but shall
24 not include a payment made from a portion of the income received by

1 a customer by virtue of invention development services performed by
2 the entity;

3 5. "Invention development services" includes any act required
4 or promised to be performed, or actually performed by an invention
5 developer for a customer.

6 SECTION 8. AMENDATORY 62 O.S. 2021, Section 2401, is
7 amended to read as follows:

8 Section 2401. A. The Oklahoma ~~Department of Commerce~~ Center
9 for the Advancement of Science and Technology (OCAST) shall create
10 an "Invest In Oklahoma" program to provide entities in this state
11 with funds for opportunities to invest in Oklahoma-based private
12 equity funds, venture capital funds and growth funds. Opportunities
13 for investment shall also include private equity funds, venture
14 capital funds and growth funds that make substantial investments in
15 this state.

16 B. ~~The Department~~ OCAST shall select venture capital and growth
17 funds to qualify for investments within the Invest In Oklahoma
18 Program based on factors including but not limited to:

- 19 1. Rate of return;
- 20 2. Years of operation;
- 21 3. Sufficiency of capitalization;
- 22 4. Investment performance track record;
- 23 5. Differentiation and sustainability of investment strategy;
- 24 6. Fee structure;

1 7. Background of limited partners; and

2 8. Ratio of capital invested in this state.

3 C. ~~The Department~~ OCAST shall exercise judgement and care,
4 under circumstances then prevailing, which persons of prudence,
5 discretion and intelligence exercise in the management of their own
6 affairs, for investment, considering the probable safety of their
7 capital as well as the probable income to be derived when
8 determining qualifying venture capital and growth funds to ensure
9 the funds are being appropriately managed and invested.

10 D. ~~The Department~~ OCAST shall develop a request for proposal
11 that includes the factors provided in subsection B of this section.
12 ~~The Department~~ OCAST shall maintain a list of available venture
13 capital and growth funds which are participating in the Invest ~~in~~ In
14 Oklahoma Program in which public entities are encouraged to invest.

15 SECTION 9. AMENDATORY 62 O.S. 2021, Section 2403, is
16 amended to read as follows:

17 Section 2403. ~~The Oklahoma Department of Commerce~~ Center for
18 the Advancement of Science and Technology shall promulgate rules to
19 enforce the provisions of the Invest In Oklahoma Act.

20 SECTION 10. AMENDATORY 63 O.S. 2021, Section 2902, is
21 amended to read as follows:

22 Section 2902. A. ~~The Oklahoma Department of Commerce~~ Human
23 Services shall be responsible for the disbursement and
24 implementation of the Energy Conservation Assistance Fund.

1 B. The Department shall involve senior citizen groups, social
2 service agencies and other civic groups in publicizing such program.

3 C. The Department of Human Services, ~~in cooperation with the~~
4 ~~Oklahoma Department of Commerce,~~ shall determine eligibility
5 requirements necessary to qualify a homeowner to obtain such grants.
6 Upon meeting any such eligibility standards, the Department of Human
7 Services shall certify ~~to the Oklahoma Department of Commerce~~ that
8 such homeowner is qualified to receive such grant upon notification
9 of such certification. The ~~Oklahoma Department of Commerce~~ Human
10 Services shall distribute the grant funds. Priorities shall be
11 established for applications according to those indicating the
12 greatest need. Low-income elderly and handicapped applicants shall
13 be given first priority.

14 D. In order to qualify for grant assistance, the property shall
15 meet all of the following requirements:

- 16 1. The property shall be the homestead of the applicant; and
- 17 2. The property for which the grant is issued shall not be
18 income-producing or used in any method other than as the principal
19 residence of the applicant.

20 E. Grants may be issued to finance the following types of
21 weatherization:

- 22 1. Structural repairs necessary to improve efficient heating
23 and cooling of the residence;
- 24 2. Insulation for attics, walls and water heaters;

- 1 3. Replacement of broken glass, inefficient doors and door
2 thresholds;
- 3 4. Storm windows;
- 4 5. Caulking and weather stripping; and
- 5 6. Other appropriate energy conservation measures as determined
6 by the ~~Oklahoma~~ Department of ~~Commerce~~ Human Services.

7 No grants shall be made through this program unless an energy
8 audit has been performed on the applicant's principal residence.

9 No grant shall exceed Three Thousand Dollars (\$3,000.00). No
10 grant shall be awarded to any applicant with an annual income in
11 excess of the amount specified in this subsection.

12 Income eligibility shall be determined based on one hundred
13 twenty-five percent (125%) of the poverty guidelines issued by the
14 United States Office of Management and Budget.

15 F. The application for the grant shall be in such form as
16 determined by the ~~Oklahoma~~ Department of ~~Commerce~~ Human Services.
17 No grant shall be issued to any person until such person has been
18 certified as eligible by the Department of Human Services. The
19 applicant shall be provided with copies of all documents related to
20 the issuance of the grant. The applicant shall provide documents,
21 as required, concerning the status of property and household income.

22 G. 1. The ~~Oklahoma~~ Department of ~~Commerce~~ Human Services
23 contractors shall be nonprofit community action agencies or other
24 nonprofit entities experienced with weatherization programs. The

1 ~~Oklahoma~~ Department of ~~Commerce~~ Human Services shall monitor
2 contractors for compliance with all Department policies, guidelines
3 and regulations.

4 2. Contractors shall be responsible for completion and
5 inspection of all work undertaken. No payment shall be made to any
6 contractor until after the required documentation is submitted and
7 approved by the ~~Oklahoma~~ Department of ~~Commerce~~ Human Services.
8 Payments to contractors shall be made for services rendered and
9 shall be based on the costs previously agreed to in writing.

10 H. The ~~Oklahoma~~ Department of ~~Commerce~~ Human Services shall
11 actively monitor and audit the financial and operating records of
12 the contractors involved with the Energy Conservation Assistance
13 Fund to assure appropriate compliance with established regulations,
14 guidelines and standards. The ~~Oklahoma~~ Department of ~~Commerce~~ Human
15 Services shall also monitor contractors to ensure use of proper
16 materials and workmanship.

17 SECTION 11. AMENDATORY 63 O.S. 2021, Section 2903, is
18 amended to read as follows:

19 Section 2903. A. The State of Oklahoma through the Department
20 shall have a lien against the property on which the work is being
21 performed for the amount of the loan plus interest thereon. The
22 Department shall record a notice of lien with the county clerk where
23 the property is located. A delinquent installment of the loan may
24 be foreclosed by the Department and the property concerned shall be

1 sold in the manner provided for foreclosures of mortgages on land.
2 Any real estate sold under any order, judgment or decree of court to
3 satisfy the lien may be redeemed by the owner or his assignee at any
4 time within one (1) year of the date of the sale by paying to the
5 purchaser thereof or his assignee the amount paid with interest from
6 the date of purchase at the rate of twelve percent (12%) per year.

7 B. Repayment of each loan shall be determined according to a
8 repayment schedule determined by the Department.

9 C. Repayment of the loan may be deferred until that time when
10 the loan recipient sells the property or ownership is transferred.
11 In such cases where a loan has not been repaid after ten (10) years,
12 another ten-year extension shall be granted if the loan recipient or
13 the surviving spouse is still the owner-occupier of the residence.
14 Such extensions shall be granted until such time when the property
15 is transferred from the loan recipient or the surviving spouse to
16 another party.

17 D. Loan repayments shall be made to the ~~Oklahoma~~ Department of
18 ~~Commerce~~ Human Services and shall be deposited in the Energy
19 Conservation Loan Fund.

20 SECTION 12. AMENDATORY 68 O.S. 2021, Section 2358.110,
21 is amended to read as follows:

22 Section 2358.110 A. As used in this section:
23
24

1 1. "Accredited investor" means a person or entity as defined
2 pursuant to Section 230.501 of Title 17 of the Code of Federal
3 Regulations;

4 2. "Eligible Oklahoma business venture" means a lawful business
5 entity that is determined by the Oklahoma ~~Department of Commerce~~
6 Center for the Advancement of Science and Technology (OCAST) for
7 receipt of an equity investment by an eligible Oklahoma venture
8 capital company. In determining whether an investment is a
9 qualified equity investment, ~~the Department~~ OCAST shall consider the
10 potential impact the investment would have on the local and state
11 economy and shall consider the following factors:

- 12 a. the primary location of the entity,
- 13 b. the number of employees located or to be located in
14 this state,
- 15 c. state and local revenues generated from the
16 investment,
- 17 d. the economic benefits to the state,
- 18 e. the type and amount of the investment,
- 19 f. the current capitalization level and strategy, and
20 g. the industry classification of the entity;

21 3. "Eligible Oklahoma venture capital company" means a lawfully
22 recognized business entity the primary business purpose of which is
23 to accumulate funds for making investments in lawful for profit
24

1 business entities and which is organized in any of the following
2 forms:

- 3 a. general partnership,
- 4 b. limited partnership,
- 5 c. limited liability partnership,
- 6 d. limited liability company,
- 7 e. corporation, or
- 8 f. other lawfully recognized business entity;

9 4. "Lawful business entity" means the following:

- 10 a. a person,
- 11 b. a general partnership,
- 12 c. a limited partnership,
- 13 d. a limited liability partnership,
- 14 e. a limited liability company, or
- 15 f. a corporation; and

16 5. "Qualified equity investment" means a transfer of cash or
17 its equivalent by an accredited investor to an eligible Oklahoma
18 venture capital company and for purposes of the deduction authorized
19 by this section in an amount not in excess of Twenty-five Million
20 Dollars (\$25,000,000.00) by an accredited investor during a taxable
21 year.

22 B. For tax years 2022 through 2026, there shall be allowed a
23 deduction from Oklahoma taxable income or Oklahoma adjusted gross
24 income as determined pursuant to Section 2358 of Title 68 of the

1 Oklahoma Statutes equal to the amount of qualified equity investment
2 in an eligible Oklahoma venture capital entity made by an accredited
3 investor.

4 C. The maximum amount of qualified equity investment made by an
5 accredited investor for purposes of the deduction authorized by this
6 section shall not exceed Twenty-five Million Dollars
7 (\$25,000,000.00) for any taxable year of the investor.

8 D. Any qualified equity investment made for purposes of the
9 deduction authorized by this section shall be documented by the
10 issuance of shares of stock, membership interest or other evidence
11 of the equity interest acquired by the accredited investor. Such
12 evidence may take the form of physical shares or the electronic
13 equivalent of physical shares.

14 E. Records of the equity interest acquired by an accredited
15 investor shall be maintained by the accredited investor and the
16 eligible Oklahoma venture capital company for a period of at least
17 five (5) years from the date the equity investment is made by an
18 accredited investor.

19 F. A qualified equity investment made by an accredited investor
20 for purposes of the deduction authorized by this section shall not
21 be returned by the eligible Oklahoma venture capital company to the
22 accredited investor, if the accredited investor is a natural person,
23 or to any person related to such natural person within the third
24 degree of consanguinity or affinity, for a period of three (3) years

1 from the date of the qualified equity investment unless the return
2 is in the form of a dividend or other payment agreed to prior to or
3 simultaneously with the equity investment transfer from the
4 accredited investor to the eligible Oklahoma venture capital company
5 and only if the return of some part of the qualified equity
6 investment is based on the financial performance of either the
7 eligible Oklahoma venture capital company or the financial
8 performance of one or more for profit business entities in which the
9 accumulated equity funds of the eligible Oklahoma venture capital
10 company are further invested or both such measures of financial
11 performance.

12 G. A qualified equity investment made by an accredited investor
13 for purposes of the deduction authorized by this section shall not
14 be returned by the eligible Oklahoma venture capital company to the
15 accredited investor if the accredited investor is a lawful business
16 entity, or to any entity which owns fifty one percent (51%) or more
17 of the voting equity interest of the accredited investor or to any
18 lawful business entity with respect to which the accredited investor
19 owns fifty one percent (51%) or more of the voting equity interest,
20 within a period of five (5) years from the date of the equity
21 investment unless the return is in the form of a dividend or other
22 payment agreed to prior to or simultaneously with the equity
23 investment transfer from the accredited investor to the eligible
24 Oklahoma venture capital company and only if the return of some part

1 of the qualified equity investment is based on the financial
2 performance of either the eligible Oklahoma venture capital company
3 or the financial performance of one or more for profit business
4 entities in which the accumulated equity funds of the eligible
5 Oklahoma venture capital company are further invested or both such
6 measures of financial performance.

7 H. The deduction authorized by the provisions of this section
8 shall not be used to reduce the Oklahoma taxable income amount or
9 the Oklahoma adjusted gross income amount to less than zero (0).
10 There shall not be any carryover with respect to a deduction
11 authorized by the provisions of this section.

12 I. If the Oklahoma Tax Commission determines, either from
13 information accompanying any applicable income tax return or
14 schedule, form or supporting documentation filed in order to claim
15 the deduction authorized by this section, that the requirements of
16 this section were not fulfilled, the Oklahoma Tax Commission shall
17 notify the taxpayer claiming the deduction that the deduction has
18 been disallowed and the income tax liability for the taxpayer shall
19 be recalculated. The taxpayer shall retain all rights authorized
20 pursuant to the provisions of the Uniform Tax Procedure Code and the
21 Oklahoma Income Tax Code in order to contest the disallowance of
22 part or all of such deductions.

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1 J. ~~The Department~~ OCAST may promulgate rules to enforce the
2 provisions of this act. ~~The Department~~ OCAST shall annually publish
3 a report on the program created in this section.

4 SECTION 13. AMENDATORY 74 O.S. 2021, Section 5017.1, is
5 amended to read as follows:

6 Section 5017.1 The Oklahoma Department of ~~Commerce~~
7 Environmental Quality shall have the authority to establish,
8 administer and enforce state and federal energy conservation
9 programs including, but not limited to, implementing The Energy
10 Conservation Act of 1975 (P.L. 94-163), National Energy Extension
11 Service Act (P.L. 95-39, 42 U.S.C. Section 7001 et seq.) and the
12 National Conservation Policy Act (P.L. 95-619), except as otherwise
13 provided by law.

14 The Energy Conservation Services Division of the Oklahoma
15 Corporation Commission is hereby abolished. All personnel,
16 equipment, files, fixtures, funds, furniture, publications and
17 supplies, and all duties, functions, authority and contractual
18 obligations that relate to the Energy Conservation Services Division
19 of the Oklahoma Corporation Commission are hereby transferred to and
20 vested in the Oklahoma Department of ~~Commerce~~ Environmental Quality.

21 ~~Employees transferred to the Oklahoma Department of Commerce~~
22 ~~shall be classified and subject to the provisions of the Merit~~
23 ~~System of Personnel Administration as provided for in the Oklahoma~~
24 ~~Personnel Act. The salaries, grade and/or class of the employees~~

1 ~~transferred shall be adjusted to be commensurate with comparable~~
2 ~~positions in the Oklahoma Department of Commerce.~~

3 ~~The full-time equivalent employee positions funded through the~~
4 ~~federal energy conservation programs outlined in this section shall~~
5 ~~terminate upon the exhaustion of said federal funding.~~

6 SECTION 14. AMENDATORY 74 O.S. 2021, Section 5017.7, is
7 amended to read as follows:

8 Section 5017.7 The Oklahoma ~~Department of Commerce~~ Lieutenant
9 Governor shall serve as the Oklahoma Chief International Protocol
10 Office and provide a resource for information concerning proper
11 protocol with regard to international diplomats and officials and
12 shall cooperate with other state agencies already engaged in
13 international relations to facilitate and coordinate government
14 resources for optimal leveraging in achieving the common goal of
15 advancing Oklahoma to the forefront of the global community. ~~An~~
16 ~~associate with the Oklahoma Department of Commerce~~ A representative
17 of the Lieutenant Governor may also serve as the official
18 representative of the Governor to ensure that the growing numbers of
19 international officials traveling to Oklahoma are warmly received
20 and enjoy productive visits to the state. When dealing with
21 international visitors of foreign governments, the associate may
22 greet chiefs of state, heads of government and other appropriate
23 functionaries, and may provide support to coordinate, arrange and
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1 facilitate meetings and other engagements between the Governor and
2 international leaders.

3 The ~~Oklahoma Department of Commerce~~ Office of the Lieutenant
4 Governor shall, for the encouragement of international trade
5 opportunities for Oklahoma businesses, encourage and assist private
6 efforts toward the development of interpersonal relationships
7 between citizens of this state and citizens of other nations.

8 SECTION 15. AMENDATORY 74 O.S. 2021, Section 5028, is
9 amended to read as follows:

10 Section 5028. ~~A.~~ There is hereby created in the State Treasury
11 a special fund for the ~~Oklahoma~~ State Department of ~~Commerce~~ Health
12 to be designated the "County Jail Improvement Fund". The fund shall
13 be a continuing fund, not subject to fiscal year limitations. All
14 monies appropriated to the fund may be budgeted and expended by the
15 ~~Oklahoma~~ State Department of ~~Commerce~~ Health for the purpose of
16 providing matching funds to counties to renovate existing or to
17 construct new jail facilities in accordance with state-approved jail
18 standards. Expenditures from said fund shall be made upon warrants
19 issued by the State Treasurer against claims filed as prescribed by
20 law with the Director of the Office of Management and Enterprise
21 Services for approval and payment.

22 ~~B. On July 1, 1986, any unallotted cash balance in the County~~
23 ~~Jail Improvement Fund created in Section 66 of Title 57 of the~~
24 ~~Oklahoma Statutes shall be transferred to the County Jail~~

1 ~~Improvement Fund created in this section. All outstanding financial~~
2 ~~obligations and encumbrances of the County Jail Improvement Fund~~
3 ~~created in Section 66 of Title 57 of the Oklahoma Statutes are~~
4 ~~hereby transferred to the Oklahoma Department of Commerce. After~~
5 ~~November 15, 1986, any unexpended balance in the County Jail~~
6 ~~Improvement Fund created in Section 66 of Title 57 of the Oklahoma~~
7 ~~Statutes shall be transferred to the County Jail Improvement Fund~~
8 ~~created in this section.~~

9 SECTION 16. AMENDATORY 74 O.S. 2021, Section 5029, is
10 amended to read as follows:

11 Section 5029. The ~~Oklahoma~~ State Department of ~~Commerce~~ Health
12 shall approve only those applications for funds to renovate an
13 existing county jail facility or to construct a new county jail
14 facility which contain proposed plans that are in compliance with
15 state-approved jail standards as determined by the Jail Inspection
16 Division, ~~Oklahoma~~ State Department of Health. Any jail facility
17 which serves as a combined city and county jail facility shall be
18 eligible to apply for a grant under the provisions of this act.

19 For each grant of funds by the ~~Oklahoma~~ State Department of
20 ~~Commerce~~ Health to a county, the requesting county must legally bind
21 itself to expend on said property funds equal to the amount of funds
22 being applied for from the County Jail Improvement Fund.

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1 No application for funds available under the provisions of this
2 act may be filed where the construction of new facilities or the
3 renovation of existing facilities has begun by July 1, 1981.

4 No applicant may receive more than a total of Two Hundred
5 Thousand Dollars (\$200,000.00) from the "County Jail Improvement
6 Fund" in any one fiscal year.

7 SECTION 17. AMENDATORY 74 O.S. 2021, Section 5030, is
8 amended to read as follows:

9 Section 5030. ~~A.~~ There is hereby created in the State Treasury
10 a revolving fund to be designated as the "Weatherization Revolving
11 Fund", which shall consist of all monies appropriated or transferred
12 to the fund. Said revolving fund shall be a continuing fund not
13 subject to fiscal year limitations and shall be under the
14 administration of the ~~Oklahoma~~ Department of ~~Commerce~~ Human Services
15 and may be disbursed without legislative appropriation. Warrants
16 for expenditures from said revolving fund shall be drawn by the
17 State Treasurer, based on claims signed by an authorized employee or
18 employees of the ~~Oklahoma~~ Department of ~~Commerce~~ Human Services and
19 approved for payment by the Director of the Office of Management and
20 Enterprise Services. It is hereby declared that energy conservation
21 is in the interest of the State of Oklahoma. The purpose of this
22 fund is to provide monies to be used for the purpose of weatherizing
23 households in Oklahoma thereby conserving the oil and natural gas
24 resources of the state.

1 ~~B. On July 1, 1986, any unallotted cash balance in the~~
2 ~~Weatherization Revolving Fund created in Section 1537.1 of this~~
3 ~~title shall be transferred to the Weatherization Revolving Fund~~
4 ~~created in this section. All outstanding financial obligations and~~
5 ~~encumbrances of the Weatherization Revolving Fund created in Section~~
6 ~~1537.1 of this title are hereby transferred to the Oklahoma~~
7 ~~Department of Commerce. After November 15, 1986, any unexpended~~
8 ~~balance in the Weatherization Revolving Fund created in Section~~
9 ~~1537.1 of this title shall be transferred to the Weatherization~~
10 ~~Revolving Fund created in this section.~~

11 SECTION 18. AMENDATORY 74 O.S. 2021, Section 5040.4, is
12 amended to read as follows:

13 Section 5040.4 A. ~~Beginning November 1, 2005, the Oklahoma~~ The
14 State Department of ~~Commerce~~ Health shall establish, through a
15 competitive bid process, a statewide program to assist medically
16 indigent residents of Oklahoma to receive prescriptions from drug
17 manufacturer assistance programs.

18 B. Agencies including, but not limited to, the following shall
19 be encouraged by the Department to submit bids:

- 20 1. County offices of the Department of Human Services;
 - 21 2. County health departments;
 - 22 3. Community action agencies designated by the Oklahoma
- 23 Department of Commerce pursuant to Section 5038 of ~~Title 74 of the~~
24 ~~Oklahoma Statutes~~ this title;

1 4. Community mental health centers;

2 5. Private nonprofit agencies; and

3 6. Public entities engaged in the delivery of social services.

4 C. Agencies selected by the Department to provide services
5 pursuant to the Rx for Oklahoma Act shall, at a minimum, demonstrate
6 their ability to:

7 1. Deliver services in a community or geographic area of the
8 state that is not currently receiving services pursuant to the Rx
9 for Oklahoma Act;

10 2. Maintain a dedicated telephone line and computer with
11 Internet access with appropriate software during normal business
12 hours; and

13 3. Have staff or volunteers available who can:

14 a. develop and implement community awareness initiatives
15 about the prescription assistance services offered by
16 the agency,

17 b. determine whether a pharmaceutical program is offered
18 for the drug or drugs a person needs,

19 c. determine whether a person is eligible for assistance
20 through a pharmaceutical program,

21 d. assist a person to make application to and enroll in a
22 pharmaceutical assistance program,

23 e. keep accurate records of the number of clients served,
24

- 1 f. maintain the confidentiality of all client information
2 including, but not limited to, the client's identity,
3 application information and other records, and
4 g. estimate the value of prescriptions provided to
5 clients under the program.

6 D. Eligibility for the Rx for Oklahoma Act shall be residents
7 of Oklahoma who:

- 8 1. Are medically indigent; or
9 2. Are not medically indigent but cannot reasonably afford to
10 pay for prescription medications.

11 E. The ~~Oklahoma~~ State Department of ~~Commerce~~ Health shall
12 promulgate rules or establish procedures necessary to implement the
13 program established by the Rx for Oklahoma Act and shall submit an
14 annual report to the Legislature and the Governor no later than
15 January 1 of each year. The report shall include, but not be
16 limited to, the following:

- 17 1. A listing of entities awarded grants and the amount of each
18 award;
19 2. The number of residents served who were eligible for a drug
20 manufacturer assistance program and the average amount of savings
21 per resident;
22 3. The number of residents who sought assistance pursuant to
23 the Rx for Oklahoma Act, but were determined not to be eligible for
24 a drug manufacturer assistance program; and

1 4. A report by the Department of total expenditures. Included
2 within the report shall be a summary of each grantee's
3 administrative, personnel, and direct services expenditures by
4 category relative to the grantee's administration of the program.

5 SECTION 19. This act shall become effective July 1, 2024.

6 SECTION 20. It being immediately necessary for the preservation
7 of the public peace, health or safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.

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